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Approved For Release 2002/01/02 : CIA-RDP76M00527R000700140066-7

*0la 74-1569*  
18 JUL 1974

MEMORANDUM FOR: Legislative Counsel

ATTENTION :

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STATINTL

SUBJECT

: Comments on OMB Version of H. R. 12206

1. The Agency exemption contained in (f) (2) eliminates most of the problems raised by the bill's original language. It is to be hoped that the Congress will buy it, although the total exemption in the original OMB draft would have been more desirable from the CIA viewpoint.

2. It would be advantageous to the Agency if the Committee report made it clear that the bill's "publicity" provisions do not apply to systems which, although they might incidentally contain records on some U.S. citizens and/or resident aliens, consist almost exclusively of records on foreign nationals. This would then exclude the CRS positive intelligence biographic files and the ISG central counterintelligence index -- the largest biographic files in the Agency. It should be possible to sell this idea.

3. As I understand the bill, the Agency would be required to:

- a. publish annually in the Federal Register a notice concerning each system of records maintained on U.S. citizens and/or resident aliens, including the information elements listed under (b) (1);
- b. limit access to records on U.S. citizens and/or resident aliens to those Agency employees with a need to know;
- c. abstain from maintaining data on the politics or religion of any U.S. citizen and/or resident alien; and
- d. contribute data on the number of records in each exempted system for inclusion in the President's annual report (unless this requirement was dropped in the final version).

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4. If (g) has been left in the bill, the DCI could, by publishing notification of his written determination in the Federal Register, exempt the Agency's personnel, applicant, security, and medical files from the (b) (1) requirement that information on each system be published annually in the Federal Register. I understand, however, that this was probably deleted in the Committee staff's final version.

5. It occurs to me that it could be argued that portions of (b) (1) are in conflict with the CIA Act of 1949. (B) calls for the publication of an official title, and the figures required by (B) could, for some systems, provide clues as to the total number of personnel employed by the Agency. These are rather trivial considerations, however, and do not warrant making an issue of them.

6. If Agency applicants are still required to state whether they hold, or have held, membership in any of a list of subversive organizations -- some of which could be characterized as "political" -- this may technically be in violation of (d) (4).

7. On the whole, the Agency can live with this bill very easily. The demands placed upon the organization might be regarded as nuisances, but they will not jeopardize our sources and methods or represent major workloads.

  
Chief, Classification Programs Branch  
Information Systems Analysis Staff

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